

Message Text

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SUBJECT: EC ANTI-DUMPING MEASURES: KRAFT LINER BOARD

REF.: BRUSSELS 4374

1. THE DEPARTMENT REQUESTS THAT THE MISSION PURSUE SEVERAL
QUESTIONS THAT HAVE ARISEN CONCERNING THE VOLUNTARY PRICE
UNDERTAKINGS SIGNED BY NON-US EXPORTERS OF KRAFT LINER.

2. US PAPER COMPANIES HAVE INDICATED TO THE DEPARTMENT
THEIR FEAR THAT THEY MAY BE PLACED AT A COMPETITIVE DISAD-
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VANTAGE BY THE PRICE AGREEMENTS WHICH THE COMMISSION NEGO-
TIATED WITH OTHER SUPPLIERS OF KRAFT LINER AND ASKED THE
DEPARTMENT TO ATTEMPT TO OBTAIN THESE PRICES FOR THEM. PER
REFTEL, WE ADVISED THE US FIRMS OF THE CONFIDENTIAL NATURE
OF THE PRICES CONTAINED IN THE VOLUNTARY AGREEMENTS. HOW-
EVER, WE WOULD APPRECIATE THE COMMISSION'S RESPONSE TO THE
FOLLOWING SPECIFIC CONCERNS RAISED BY US PAPER COMPANIES:

A) COMMISSION REGULATION NO. 511/78 HAS THE FORCE OF LAW AND IS CIRCULATED TO ALL THE CUSTOMS SERVICES THROUGH NORMAL CHANNELS. DO THE VOLUNTARY AGREEMENTS HAVE THE FORCE OF LAW? ARE CUSTOMS OFFICIALS IN THE MEMBER STATES INFORMED OF THE NATURE OF THESE AGREEMENTS? IF THE OFFICIALS ARE

SO INFORMED, HOW IS THIS ACCOMPLISHED, FORMALLY OR INFORMALLY?

B) HOW WILL THE COMMISSION MONITOR IMPORTS FROM NON-US PRODUCERS? WILL CUSTOMS OFFICIALS BE REQUIRED TO EXAMINE THESE SHIPMENTS AND THEIR DOCUMENTATION TO ESTABLISH THAT THE VOLUNTARY AGREEMENTS ARE BEING ADHERED TO?

C) IF THE COMMISSION DETECTS A DEPARTURE FROM THE AGREEMENT (FOR EXAMPLE, INVOICING AT THE AGREED PRICE WITH A LARGE SUBSEQUENT DISCOUNT) ARE PENALTIES IMPOSED? WHAT IS THE NATURE OF THESE PENALTIES? VANCE

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